

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
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VIA ECF

August 5, 2022

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

We write on behalf of Plaintiffs with claims against defendant Dubai Islamic Bank (“DIB”) to respond to DIB’s August 2, 2022 letter [ECF No. 8307] seeking the Court’s guidance concerning its anticipated challenge to Plaintiffs’ June 16, 2022 supplementary report of expert Jonathan Winer.

Plaintiffs do not oppose DIB’s request to file its motion; however, Plaintiffs anticipate opposing that application and look forward to showing why the motion is entirely without merit.

Although counsel for DIB indicated (at the end of a meet and confer call concerning a separate issue—namely, Plaintiffs’ outstanding requests that DIB supplement its discovery responses in light of the new evidence released by the CIA) that DIB intended to move to exclude Mr. Winer’s supplemental testimony, DIB’s counsel did not confer as to a briefing schedule. Plaintiffs respectfully submit that the parties should meet and confer as to a briefing schedule for the remainder of the motion and submit a joint proposal by August 11, 2022.

Finally, although Plaintiffs reserve their full arguments for the briefing, we note here that DIB’s letter and draft motion omit material facts about deficiencies in DIB’s discovery searches and responses and about the parties’ discussions concerning Plaintiffs’ demands that DIB supplement its discovery responses. Clarification about those facts and the related deficiencies show why DIB’s timeliness and related arguments are especially unserious.

Respectfully submitted,

Magistrate Judge Sarah Netburn  
August 5, 2022  
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cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF